



Rambam Hilchot Talmud Torah

Rabbi Yitzchak Etshalom Part 3

3. And he is obligated to hire a teacher to teach his son. He is not obligated to teach his fellow's son *ela b'hinam* (for free, except for free?) If his father didn't teach him, he is obligated to teach himself when he becomes aware, as it says: "you shall study them and guard them, to fulfill them" (Devarim [Deuteronomy] 5:1). Similarly, you find that study precedes action in every place, since study leads to action and action does not lead to study.

Q1a: Is the obligation to hire a teacher from the Torah or Rabbinic (see Lechem Mishneh ad loc.)? In other words, is it part and parcel of the original obligation or not? Why does Rambam not make this a contingency - he cannot teach his son, he must hire etc.?

Q1b: Does this obligation extend to grandchildren? Another way of phrasing these questions: Is this obligation built upon the same premises as Halakhah 2?

YE (Yitz Etshalom):

These first two questions are linked - as to the basic obligation of hiring a teacher - which Rambam seems to present as an absolute, even if the father is capable of teaching.

There are two Parashiyot (paragraphs) relating to teaching children in the Torah; *Sh'ma* (Devarim [Deuteronomy] 6:4-9) and *v'Haya Im Shamo'a* (Devarim 11:13-21). In the first Parashah, we read: *V'shinantam l'vanekha v'dibarta bam, b'shiv't'kha...uv'kumekha* - "Teach them to your children and speak them, when you sit in your house etc."; in the second Parashah, we are commanded: *v'limadtem otam et b'neikhem l'daber bam, b'shiv't'kha...uv'kumekha* - "Teach them to your children to speak them, when you sit in your house etc." In the first Parasha, we are commanded two things; to teach these words to our children and to speak (study) them ourselves. There is no obligation here of "when you are in your house etc." - i.e. the method, constancy and style of Talmud Torah, to be transmitted to the child. On the other hand, the second Parashah implies one obligation - to "teach them to your children to speak them..." - i.e. we are commanded to teach our children these words, to speak them all the time. This is an obligation not just of transmitting knowledge, but of training them how to fulfill the Mitzvah of Talmud Torah.

There are two separate Talmud Torah-related obligations here: One of general Talmud Torah, to teach as much Torah as is possible to everyone who is part of the Talmud Torah community (see previous posts). This is the obligation towards everyone - but it has a priority system which telescopes out from son to grandson to neighbor's son. However, it



should be clear that I cannot be obligated to do this beyond my own time/knowledge/access etc. capabilities.

There is a second obligation - to train my children how to fulfill the Mitzvah of Talmud Torah - of study. Notice that the second pasuk is the one used by the Gemara (BT Kiddushin 29b) to exempt the father from teaching his daughters, whereas the first verse was the one used to expand the teaching to other students. It seems clear that our Rabbis understood this second verse as being more father/child oriented. This second pasuk is the foundation for the Mitzvah of Hinuch - of training the child to do Mitzvot. Therefore, this verse only relates to the direct child. Now, if I am not capable of teaching my child to swim, or a trade, or any of the other obligations which I have to do on his behalf or towards him (see BT Kiddushin 29a), I am obligated to hire someone to do these things. In the case of Talmud Torah, this is also true. This is why Rambam limits the obligation of hiring a teacher to the son, and does not suggest that we are obligated to spend our own money to hire teachers for others - not even for grandchildren.

Why then does Rambam make this obligation absolute and not contingent upon the father's ability? We certainly would not obligate a lifeguard to hire someone else to teach his child to swim. Why here?

Perhaps Rambam feels that part of the training towards Talmud Torah is to create a new relationship with a Rebbe - that for whatever reason - either because the Rebbe will present things in a new way, because he will be less "forgiving" - or perhaps more forgiving- of mistakes or some other reason, it is part and parcel of the obligation of the father that, at the proper age, the son be engaged as a student by another teacher.

Q2: When is "he aware" - *k'sheyakir*? Shouldn't this obligation only devolve upon the son when he is 13?

Q3: What is the *V'khen* - "Similarly" at the beginning of the last half of the Halakhah? What similarity is being presented?

Q4: Is "study leads to action" etc. a general or particular statement? i.e. do we understand it to mean that by studying the laws of Tefillin, I will be more likely to fulfill that Mitzva, or is it more general - to wit, the more I study Torah, the more I will be moved to live by her teachings? There is an obvious "nafka mina" - consequential difference: If this is a particularistic statement, then I need not give preference to my study of Hilkhos M'lakhim (Laws of Kings) to action; only those Halakhos which directly apply to me, here and now, would have preference. On the other hand, if this is a general prescription, I would give preference to Torah study of any type to action.



Q5: In the source of this statement (BT Kiddushin 40b), only the first phrase - "study is greater, for it leads to action" is mentioned; the inverse, which Rambam states, is not mentioned there. Why does Rambam invert the formula here?

YE: Rambam seems to be proposing that a person is obligated to begin learning earlier than he is obligated to begin fulfilling other Mitzvot. *k'sheyakir* - what does he need to recognize? Perhaps he needs to recognize his own impending burden of Mitzvot - or perhaps he only needs to recognize his own ignorance. In either case, it is his own awareness which should lead him to learn. This helps us to understand question 4: the *v'khein* - similarity is as follows: The Talmudic dictum that *Talmud kodem l'ma'aseh* (Study precedes deed) can be understood in two ways - precedence as a priority and precedence as a sequence. In the discussion in Kiddushin, it is unclear whether the *kedimah* is that one takes precedence over the other, such that if you can study or fulfill another Mitzvah (one which can be accomplished later or by someone else) - which one you choose. Or is the focus on the development of relationship with Mitzvot - first you learn, that you act? Rambam seems to understand that the discussion is about preference - so here, he makes the comparison and says that just as - *v'khein* - just as Talmud Torah is preferred to performing other Mitzvot, so it is an earlier level of development of that relationship - which is also how we understand Talmud Torah - it isn't the functional study associated with how to do a particular Mitzvah, rather the entire experience of Talmud Torah brings the person closer to *kiyyum haMitzvot* (fulfillment of other Mitzvot). This is also why Rambam adds the inversion of the formula in Kiddushin - (in Kiddushin, the solution was that *Talmud meivee li'y'dei ma'aseh* - (Study leads to action) and Rambam adds *v'ein hama'aseh meivee li'y'dei Talmud* - (and action does not lead to study)) - because the discussion in Kiddushin is only about preference, therefore the only thing we need to know is that we need not fear that involvement in study will not encourage action - so the gemara states that study does indeed lead to action. However, since we are concerned here with chronological precedence, Rambam needs to remind us that not only will the child's study bring him to action, but it is not advisable to wait until he reaches the age of obligation to study, since those obligations (other Mitzvot) will not encourage or support his studying.

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